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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/389,557      | 09/03/1999  | SHIGEYUKI SANO       | 7217/59652          | 5566             |

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EXAMINER

BRIER, JEFFERY A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2672

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DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/389,557

Applicant(s)

SANO ET AL.

Examiner

Jeffery A Brier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 September 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. The amendment filed on 02/20/2004 has been entered.

***Claim Objections***

2. Claims 1 and 9 are objected to because of the following informalities:

In claim 1 it is not clear due to the semicolons at lines 11 and 14 if the limitations at lines 12-14 and 17-20 are functions performed by the claimed processing means or functions performed by another means. The same applies to claim 9. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Amended claim 1 claims at lines 8-11 controlling the first and second parameters at an initial speed when one of the first and second command means is activated intermittently and claims at lines 12-14 increasing the speed of one of said first and second parameters when one of said first and second command means is activated continuously. These lines conflict because when one command means is activated intermittently and the other commands means is activated continuously lines it is not

clear if the claimed processing means will keep the speed constant or increase the speed. The same applies to claim 9.

### ***Response to Arguments***

5. Applicant's arguments filed 02/20/04 have been fully considered but they are not persuasive.

Applicant states Sombroek is silent about judging similarity of alternate actions of two command means because the processor 306 is being fed by a converter 304 that cannot distinguish which sensing resistor is being pressed. This is incorrect. Please refer to column 7 lines 24-37 which describes processor 306 as determining the up, down, left and right timer counts. Clearly processor 306 does distinguish which sensing resistor is being pressed. Additionally the claimed "judging similarity when one of said first and second command means is activated following another of said first and second command means" is a very broad statement which is covered by Sombroek determining that the up, down, left, and right buttons have been depressed within a certain time period, thus, determining the similarity of action by the user to move the cursor from one location to another more distant location.

The argument concerning the look up table is moot since this limitation was deleted from the claims.

Applicant needs to amend the claims to further limit the claims in order to distinguish the claims from Sombroek. Applicant needs to limit the claims to what parameter is being controlled. Applicants system controls the speed of movement of

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the sub screen containing the compressed video signal of the sub screen, see page 5 lines 6-25. Sombroek only teaches controlling a cursor.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Sombroek, EP 0 631 223 A1. Sombroek at column 5 lines 37-43 describes continuing the shifting of the speed of the cursor. Sombroek describes on column 4 lines 6-9 a joystick used as a user interface tool. At column 4 lines 36-49 Sombroek describes how the cursor is moved at one speed for a first time period and then accelerates to a second speed after the first time period has elapsed. The joystick corresponds to the claimed first and second command means because the joystick supplies at least four signals indicative of left, right, up, and down movement commands. Note figure 4 and pressure sensitive resistors 402-408. Thus, movement of the joystick by the user, indicative of left, right, up, and down, is judged by 304 and 306 as being similar types of input irregardless of direction (column 7 line 45 to column 8 line 7) causing the speed of the cursor to increase as the command means 402-408 in aggregation continuously produces an output within a first time period.

A detailed analysis of the claims follows.

Claim 1:

Sombroek teaches a control comprising:

first command means to control a first parameter (*the left and right signals of the joystick are generated by a first command means*);

second command means to control a second parameter (*the up and down signals of the joystick are generated by a second command means*);

processing means for receiving command signals from said first and second command means and for outputting a control signal to control said first and second parameters at an initial speed when one of said first and second command means is activated intermittently (*when the first and second command means is activated for a period less than  $t_1$  the speed will be maintained at the initial speed, thus, when they are activated intermittently the time period will be less than  $t_1$ , see column 4 lines 36-49 and figure 2*);

for increasing at a predetermined speed one of said first and second parameters when one of said first and second command means is activated continuously (*At column 4 lines 36-49 Sombroek describes increasing the speed after one of the first and second command means are activated continuously beyond time period  $t_1$ . At column 4 lines 36-49 Sombroek describes how the cursor is moved at one speed for a*

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*first time period and then accelerates to a second speed after the first time period has elapsed. Movement of the joystick by the user, indicative of left, right, up, and down, is judged by 304 and 306 as being similar types of input irregardless of direction (column 7 line 45 to column 8 line 7) causing the speed of the cursor to increase as the command means 402-408 in aggregation continuously produces an output within a first time period.);*

*for judging similarity when one of said first and second command means is activated following another of said first and second command means (Converter 304 and processor 306 determines if the left, right, up, and down signals from pressure sensitive resistors 402-408 as being similar types of input irregardless of direction (column 7 line 45 to column 8 line 7) since the outputs of pressure sensitive resistors 402-408 are tied together at node 412 column 6 lines 50-51 and their outputs are applied to converter 304. Sombroek's look up table inherently stores values corresponding to the different speed ranges, V1, V2, V3, etc. The calculating means 438 produces a judgment on the similarity of the alternate actions made by the first and second command means based upon the valued stored in the addressed location in the look up table corresponding to the count.); and*

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for continuing said predetermined speed of increase when said similarity is found (At column 5 lines 41-44 Sombroek describes increasing the speed from v1 to v2 to v3 to etc. At column 8 lines 2-7 Sombroek describes continuing to increase the speed after similarity has been determined.) and for returning to said initial speed when said similarity is not found (When the joystick is returned by the user to the center position, the speed of the cursor is returned to zero, column 5 lines 29-35.).

## Claim 9:

This claim is a method version of claim 1 and claims the same functions that claim 1 claims. This claim is rejected for the reasons given for claim 1.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the



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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on M-F from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713).

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9306 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

A handwritten signature in black ink, appearing to read "Jeffery A. Brier". The signature is fluid and cursive, with the first name "Jeffery" and last name "Brier" clearly distinguishable.

Jeffery A Brier  
Primary Examiner  
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